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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,226	12/05/2001	Wen-Teng Yu	DED/3076/129	4162

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David E Dougherty
DENNISON SCHULTZ & DOUGHERTY
612 Crystal Square 4
1745 Jefferson Davis Highway
Arlington, VA 22202

EXAMINER

TRAN, SINH N

ART UNIT PAPER NUMBER

2643

DATE MAILED: 01/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

11

Office Action Summary

Application No.

10/002,226

Applicant(s)

YU, WEN-TENG

Examiner

Sinh Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-5 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification fails to teach an invention where the frame is made of rubber material (see claim 1).

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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4. Claims 2-3 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The language "can be" does not provide a positive structure.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitobe et al (5,295,195) in view of Babb (4,144,416) and further in view of Cressman et al (6,263,084).

Regarding claim 1, Mitobe et al discloses in Figures 1 and 5, an amplifier consisting of a one-body plastic structure frame (25a); a base (12a); one magnet (14); a spacer (50); a T-shaped yoke (11a); a package component containing one damper (24); a cone paper (23); an edge; a dust cap (dust cap shown in Fig. 1); a voice coil (22); and a fixed tube (the bobbin). Mitobe et al fails to teach that the edge is made of rubber and that the T-shaped yoke is made of iron. However, Official Notice is taken that the above elements made of the respectively materials are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to use rubber and iron for the above edge and T-shaped yoke, respectively of Mitobe et al since these features are well known in the art.

Mitobe et al further fails to specifically teach that the plastic frame is produce by injection molding. Babb teaches a unitary construction of an injection molded plastic basket or frame (col. 2, lines 36-40). Since Mitobe et al only generally teaches the molded plastic frame, it would have been obvious to one of ordinary skill in the art to employ any well-known method of producing molded plastic, including the injection molding as taught by Mitobe et al to implement such frame. The combination of Mitobe et al in view of Babb fails to disclose a heat sink. Cressman et al teaches the use of a heat sink (40) in an amplifier for dissipating heat. It would have been obvious to one of ordinary skill in the art to employ a heat sink as taught by Cressman et al to the amplifier of the combination for the same purpose.

Regarding claim 4, the combination fails to disclose that color paint can be coated on the frame by painting. Official Notice is taken that providing a color coating by painting an objects, devices or structures are well known. Therefore, it would have been obvious to one of ordinary skill in the art to color paint the frame of the combination for a desirable look or appearance.

Regarding claim 5, the combination further teaches in Fig. 5 (Fig. 5 of Mitobe et al) that the thickness of the frame can be changed (25a shows a thicker frame as compare to frame 25b).

3. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitobe et al in view of Babb and further in view of Cressman et al as applied to claim 1 above, and further in view of Keezer .

Regarding claims 2-3, the fails to specifically teach that the material selected for the frame is thermosetting plastic or thermoplastic resin. Keezer teaches the use of thermoplastic polyester for a frame. Since the combination only generally teaches molded plastic for the frame, it would have been obvious to one of ordinary skill in the art at the time the invention

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was made to use any suitable material, including thermoplastic resin as taught by Keezer to implement the molded plastic frame of the combination.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sinh Tran whose telephone number is (703) 305-4040. The examiner can normally be reached on M,T&Th 9:00AM-7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.


Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, for formal communications intended for entry and for informal or draft communications, please label "PROPOSED" or "DRAFT")
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Sinh Tran
Primary Examiner
Art Unit 2643

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January 3, 2003